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UNCLAS SECTION 01 OF 03 SANTO DOMINGO 003147

SIPDIS

SENSITIVE

STATE FOR WHA, WHA/CAR-MCISAAC, WHA/PPC-PUCETTI, G/TIP-OWEN

E.O. 12958: N/A

TAGS: PHUM KCRM DR KWMN SMIG PREL

SUBJECT: DOMINICAN REPUBLIC CONVICTS TRAFFICKING FELONS,
DIFFERS WITH 2005 TIP REPORT

REF: A. STATE 100335

1B. STATE 097787

11. (SBU) Summary: Assistant Attorney General Frank Soto, who coordinates the Dominican Government's anti-TIP efforts, provided details of the Dominican Republic's first convictions of traffickers under a 2003 anti-TIP law, in a May 20 court decision published June 2. Soto expressed disappointment at the continued classification of the Dominican Republic on the Tier 2 Watch List and cited this verdict and other prosecutions and measures now underway. In remarks to the press, Soto took issue with specific information in the report. Editorial reaction, while limited, has concurred with the report's conclusions. End summary.

Report Delivered

12. (SBU) Per guidance and timetable (Refs A-B), Embassy political officer on the afternoon of June 2 delivered the 2005 TIP report on the Dominican Republic, in English and an informal Spanish translation, to Assistant Attorney General Frank Soto, who heads the AG's anti-TIP unit and coordinates interagency anti-TIP efforts. They also provided it to MFA Director for Women's and Children's Affairs Cecilia Caballero, and MFA Human Rights Director Rhadys Abreu de Polanco. On June 3, Embassy published on its public website the informal Spanish translation of the Dominican Republic portion and the full English text of the 2005 worldwide TIP report. Embassy on June 7 delivered the report in both languages to Under Secretary of State for Consular and Migratory Affairs Rosario Graciano.

Recent TIP Convictions

13. (SBU) Deputy AG Soto expressed disappointment that the Dominican Republic had not been taken off the Tier II watch list. He provided a copy of a sentence handed down in Boca Chica (a beach town east of Santo Domingo) May 20 against three Dominican traffickers, under Dominican anti-TIP Law 137-03, for offering 12-13 children as prostitutes. This operation was set up by representatives of the U.S.-based International Justice Mission, one of whom posed as a prospective customer. The convictions, based on more than 20 hours of video filming of the attempted transaction, brought prison sentences of 15 years and fines of RD 175,000 (USD 6,000) each. The convictions had not previously been publicized because the judge did not sign the sentencing document until May 31. Political officer commended this breakthrough, the first convictions under the 2003 anti-TIP law, and encouraged the authorities to maintain the momentum with further convictions.

14. (SBU) Soto displayed posters and glossy brochures being used in an educational campaign to inform judicial and police personnel and the public about the crimes of alien smuggling and TIP. They advertise a telephone hotline (1-809-200-7393) to report accusations of such activities. The phone is in Soto's office, in the Department Against Alien Smuggling and Trafficking in Persons (Departamento contra el Trafico Illicito de Migrantes y la Trata de Personas). Soto referred to several ongoing investigations and prosecutions of alien smugglers, some of which he was sure would result in convictions. He pointed to the May 17 conviction of a Santiago bar owner for sexual exploitation of minors (under the Code for the Protection of Children and Adolescents, not under the TIP law). Political officer noted that these events occurred after the period covered by the TIP report and could be taken into account in next year's assessment.

15. (SBU) Soto and MFA Under Secretary Graciano commented separately that many of the deficiencies noted in the TIP report were due to lack of resources and that any outside assistance would be appreciated. Graciano described a proposal by several local NGOs that would offer business opportunities for Dominican women who have been deported from abroad, to enable them to get ahead in the Dominican Republic rather than emigrate.

¶6. (SBU) Graciano commented that our next report should mention the Dominican Republic's "consular network" of officials who are being or will be trained to handle TIP cases and issues. She said the plan is to reactivate this network, first in Brussels, then in the Caribbean and Central America. The MFA has not yet decided which capitals in the Caribbean and Central America are to be the points of contact. Buenos Aires will be added subsequently. Consular Affairs will soon present a plan to the Foreign Minister for interagency actions on migration, TIP, and alien smuggling.

¶7. (SBU) Graciano said she recently started up a new MFA unit to combat alien smuggling and TIP, as part of a reinvigorated Division of Migration Affairs within her Consular sub-secretariat. An MFA consultative committee coordinates anti-TIP issues internally among offices that deal with consular/migration, women's and children's, legal, and Haitian affairs. There is also an operational committee of subordinate officials on TIP. Government-wide, an "Interagency Committee for Women's Affairs" (acronym CIPROM) sometimes discusses TIP. Soto told us that the MFA women's and children's unit periodically convenes an interagency meeting to review a report of the government's efforts against TIP.

Public Comment on the Report

¶8. (U) On June 4, mainline daily "El Caribe" published an interview with Soto in which he commented that the 2005 TIP report did not recognize all of the government's actions against TIP. As in the discussion with Embassy officers, he took issue with statistics cited, in particular the estimate that 2,000 Haitian children are trafficked annually into the Dominican Republic to be exploited in various ways. Soto said this figure has been used by OIM and UNICEF for years without being updated. He also objected to the statement that Dominican children are trafficked to various foreign countries. He pointed out that there are "very strict regulations" regarding international travel of minors from the Dominican Republic and challenged the Department of State to find "one example" of a minor that had been removed from the country illegally. Soto asserted that, with the Dominican Government's proactive closing down of brothels in recent months, it would be difficult to find minors being exploited commercially for sexual purposes. He noted that his unit of the Attorney General's office had been elevated to the status of a department when President Fernandez took office and has units dedicated to combating pedophilia and pornography on the internet as well as prevention and education.

¶9. (U) Four major daily newspapers carried stories June 4 of the TIP report's release, and two of them published excerpts from the text on the Dominican Republic. In an editorial June 6 national daily "El Caribe" noted Soto's criticisms, but characterized the report's conclusions as consistent with other investigations by international organizations and NGOs. The newspaper called for redoubled efforts by authorities to combat "networks in this country that profit from commercial sexual exploitation of women and children."

Comment

¶10. (SBU) Embassy will continue its close dialogue with Assistant AG Soto and Under Secretary Graciano, competent officials who are working with limited resources.

¶11. (SBU) The three Boca Chica convictions, resulting in stiff punishments, represent a big step forward. The police and judiciary worked as they should, and the court delivered the convictions promptly by Dominican standards -- from arrests to convictions, the whole process took less than 11 months. The investment of time and effort by the U.S. NGO provided an unprecedented and evidently irrefutable body of evidence.
Hertell